

Chapter No. 478
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SENATE BILL NO. 3029

Originated in Senate *Renald Dugre* Secretary

SENATE BILL NO. 3029

AN ACT TO AMEND SECTION 41-58-1, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS AND DEFINE THE TERM "LIMITED X-RAY MACHINE OPERATOR" FOR THE PURPOSES OF THE STATUTES PROVIDING FOR THE REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS; TO AMEND SECTION 41-58-3, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE MEDICAL RADIATION ADVISORY COUNCIL; TO INCREASE THE AMOUNT OF THE REGISTRATION FEE FOR MEDICAL RADIATION TECHNOLOGISTS AND PROVIDE FOR A BIENNIAL REGISTRATION; TO REVISE THE LIST OF PERSONS WHO ARE EXEMPT FROM REGISTRATION; TO AMEND SECTION 41-58-5, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE EDUCATION AND CONTINUING EDUCATION REQUIREMENTS FOR LIMITED X-RAY MACHINE OPERATORS; TO REVISE CERTAIN CONTINUING EDUCATION REQUIREMENTS FOR PERSONS EXEMPT FROM REGISTRATION; TO INCREASE THE AMOUNT OF THE FEE THAT THE BOARD OF CHIROPRACTIC EXAMINERS AND THE STATE BOARD OF MEDICAL LICENSURE MAY CHARGE FOR CERTIFICATION OF COMPLETION OF CONTINUING EDUCATION REQUIREMENTS; TO EXTEND THE DATE OF THE REPEALERS ON THOSE THREE CODE SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-58-1, Mississippi Code of 1972, is amended as follows:

41-58-1. As used in this chapter:

(a) "Department" means the Mississippi State Department of Health.

(b) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, chiropractic, osteopathy or podiatry, or a licensed nurse practitioner or physician assistant.

(c) "Ionizing radiation" means x-rays and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.

(d) "X-radiation" means penetrating electromagnetic radiation with wavelengths shorter than ten (10) nanometers

produced by bombarding a metallic target with fast electrons in a vacuum.

(e) "Supervision" means responsibility for, and control of, quality radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

(f) "Medical radiation technology" means the science and art of applying ionizing radiation to human beings for diagnostic and/or therapeutic purposes. The four (4) specialized disciplines of medical radiation technology are diagnostic radiologic technology, nuclear medicine technology, radiation therapy and limited x-ray machine operator.

(g) "Radiologic technologist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or its equivalent, who applies x-radiation or ionizing radiation to any part of the human body for diagnostic purposes and includes the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

(h) "Nuclear medicine technologist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or the Nuclear Medicine Technology Certification Board examination or its equivalent, who performs in vivo imaging and measurement procedures and in vitro nonimaging laboratory studies, prepares radiopharmaceuticals, and administers diagnostic/therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material.

(i) "Radiation therapist" means a person other than a licensed practitioner who has passed a national certification examination recognized by the department such as the American Registry of Radiologic Technologists examination or its equivalent, who applies x-radiation and the ionizing radiation emitted from particle accelerators, cobalt sixty (60) units and sealed sources of radioactive material to human beings for therapeutic purposes while under the supervision of a licensed radiation oncologist or a board certified radiologist who is licensed to possess and use radioactive material.

(j) "Limited x-ray machine operator" means a person other than a licensed practitioner or radiologic technologist who is issued a permit by the State Board of Medical Licensure to perform medical radiation technology limited to specific radiographic procedures on certain parts of the human anatomy, specifically the chest, abdomen and skeletal structures, and excluding fluoroscopic and contrast studies, computed tomography, nuclear medicine, radiation therapy studies and mammography.

(k) "Council" means the Medical Radiation Advisory Council created under Section 41-58-3.

This section shall stand repealed on July 1, 2013.

SECTION 2. Section 41-58-3, Mississippi Code of 1972, is amended as follows:

41-58-3. (1) The department shall have full authority to adopt such rules and regulations not inconsistent with the laws of this state as may be necessary to effectuate the provisions of this chapter, and may amend or repeal the same as may be necessary for such purposes.

(2) There shall be established a Medical Radiation Advisory Council to be appointed as provided in this section. The council shall consist of ten (10) members as follows:

(a) One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;

- (b) One (1) licensed family physician;
- (c) One (1) licensed practitioner;
- (d) Two (2) registered radiologic technologists;
- (e) One (1) nuclear medicine technologist;
- (f) One (1) radiation therapist;
- (g) One (1) limited x-ray machine operator;
- (h) One (1) radiation physicist;
- (i) One (1) hospital administrator; and
- (j) The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

(3) The department shall, following the recommendations from the appropriate professional state societies and organizations, including the Mississippi Radiological Society, the Mississippi Society of Radiologic Technologists, and the Mississippi State Nuclear Medicine Society, and other nominations that may be received from whatever source, appoint the members of the council as soon as possible after the effective date of subsections (2) and (3) of this section. Any person serving on the council who is a practitioner of a profession or occupation required to be licensed, credentialed or certified in the state shall be a holder of an appropriate license, credential or certificate issued by the state. All members of the council shall be residents of the State of Mississippi. The council shall promulgate such rules and regulations by which it shall conduct its business. Members of the council shall receive no salary for services performed on the council but may be reimbursed for their reasonable and necessary actual expenses incurred in the performance of the same, from funds provided for such purpose. The council shall assist and advise the department in the development of regulations and standards to effectuate the provisions of this chapter.

(4) A radiologic technologist, nuclear medicine technologist or radiation therapist shall not apply ionizing or x-radiation or administer radiopharmaceuticals to a human being or otherwise

engage in the practice of medical radiation technology unless the person possesses a valid registration issued by the department under the provisions of this chapter.

(5) The department may issue a temporary registration to practice a specialty of medical radiation technology to any applicant who has completed an approved program, who has complied with the provisions of this chapter, and is awaiting examination for that specialty. This registration shall convey the same rights as the registration for which the applicant is awaiting examination and shall be valid for one (1) six-month period.

(6) The department may charge a registration fee of not more than Fifty Dollars (\$50.00) biennially to each person to whom it issues a registration under the provisions of this chapter.

(7) Registration with the department is not required for:

(a) A student enrolled in and participating in an accredited course of study approved by the department for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic technologist, registered nuclear medicine technologist or registered radiation therapist;

(b) Laboratory personnel who use radiopharmaceuticals for in vitro studies;

(c) A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

(d) A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of

Chiropractic Examiners and applies ionizing radiation under the specific direction of a licensed chiropractor;

(e) An individual who is permitted as a limited x-ray machine operator by the State Board of Medical Licensure and applies ionizing radiation in a physician's office, radiology clinic or a licensed hospital in Mississippi under the specific direction of a licensed practitioner; and

(f) A student enrolled in and participating in an accredited course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy and is employed by a physician's office, radiology clinic or a licensed hospital in Mississippi and applies ionizing radiation under the specific direction of a licensed practitioner.

(8) Nothing in this chapter is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by this chapter are within the scope of practice of the licensee or registrant.

(9) (a) If any radiologic technologist, nuclear medicine technologist or radiation therapist violates any provision of this chapter or the regulations adopted by the department, the department shall suspend or revoke the registration and practice privileges of the person or issue other disciplinary actions in accordance with statutory procedures and rules and regulations of the department.

(b) If any person violates any provision of this chapter, the department shall issue a written warning to the licensed practitioner or medical institution that employs the person; and if that person violates any provision of this chapter again within three (3) years after the first violation, the department may suspend or revoke the permit or registration for

the x-radiation and ionizing * * * equipment of the licensed practitioner or medical institution that employs the person, in accordance with statutory procedures and rules and regulations of the department regarding suspension and revocation of those permits or registrations.

(10) This section shall stand repealed on July 1, 2013.

SECTION 3. Section 41-58-5, Mississippi Code of 1972, is amended as follows:

41-58-5. (1) Each registered radiologic technologist, registered nuclear medicine technologist and registered radiation therapist shall submit evidence to the department of completing twenty-four (24) hours of continuing education in a two-year period as described in the rules and regulations of the department.

(2) Each limited x-ray machine operator who is first employed to apply ionizing radiation in the State of Mississippi shall complete twelve (12) hours of education in radiologic technology, with six (6) of those hours specifically in radiation protection, not later than twelve (12) months after the date of his or her employment to apply ionizing radiation, and shall thereafter submit evidence to the department of completing twelve (12) hours of continuing education in a two-year period as described in the rules and regulations of the department. Six (6) of the continuing education hours must be in radiation protection.

(3) * * * Each individual who is exempt from registration under paragraph (d) * * * of Section 41-58-3(7) shall complete twelve (12) hours of continuing education in a two-year period as described in the rules and regulations of the department. Six (6) of the continuing education hours must be in radiation protection.

* * *

(4) Each individual who is exempt from registration under paragraph (d) * * * of Section 41-58-3(7) and who is first employed to apply ionizing radiation in the State of

Mississippi * * * shall complete twelve (12) hours of * * * education in radiologic technology, with six of those hours specifically in radiation protection, not later than twelve (12) months after the date of his or her employment to apply ionizing radiation.

(5) * * * The department shall approve training sessions that will provide the continuing education required under this section in each of the junior/community college districts in the state, with at least one (1) training session being held during each quarter of the year.

(6) (a) * * * The Board of Dental Examiners shall annually provide the department with a list certifying those dental hygienists and dental assistants who are exempt from registration under paragraph (c) of Section 41-58-3(7).

(b) * * * The Board of Chiropractic Examiners shall provide the department with a list certifying those chiropractic assistants who are exempt from registration under paragraph (d) of Section 41-58-3(7) who have completed the continuing education requirements * * * of this section.

(c) The State Board of Medical Licensure shall provide the department with a list of limited x-ray machine operators who are exempt from registration under paragraph (e) of Section 41-58-3(7).

* * *

(d) * * * The Board of Chiropractic Examiners and the State Board of Medical Licensure * * * may charge a fee of not more than Fifty Dollars (\$50.00) biennially to each individual whom the board certifies as having completed the continuing education requirements * * * of this section.

(7) This section shall stand repealed on July 1, 2013.

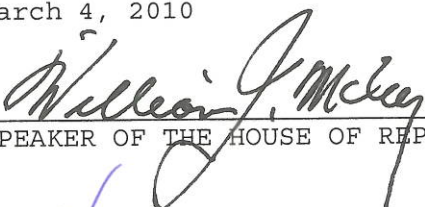
SECTION 4. This act shall take effect and be in force from
and after July 1, 2010.

PASSED BY THE SENATE
February 10, 2010



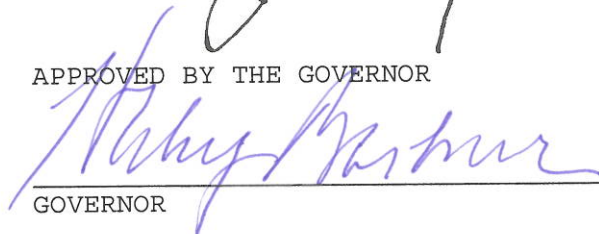
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 4, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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